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10/608,428	06/30/2003	William Christopher Draper JR.	86769-0009	8076
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ACCENTURE, LLP C/O HOGAN & HARTSON, LLP (IPGROUP) 555 13TH STREET NW, SUITE 600E WASHINGTON, DC 20004			EXAMINER CARDENAS NAVIA, JAIME F	
			ART UNIT 3623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dcptopatent@hhlaw.com

Office Action Summary

Application No.

10/608,428

Applicant(s)

DRAPER ET AL.

Examiner

Jaime Cardenas-Navia

Art Unit

3623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Introduction

1. This **FINAL** office action is in response to communications received on April 9, 2008. Claims 1-15 and 17-19 have been amended. Claim 20 has been added. Claims 1-20 are pending.

Priority

2. Applicant's claim for the benefit of prior-filed provisional applications under 35 U.S.C. 119(c) is acknowledged. Applicant's arguments regarding receiving the benefit of an earlier filing date for provisional applications 60/391,932 and 60/391,929 have been found convincing.

Applicant receives benefit of an earlier filing date for provisional applications 60/391,932 (June 28, 2002), 60/391,929 (June 28, 2002) in addition to provisional application 60/398,814 (July 29, 2002).

Response to Amendments

3. Applicant's amendments to the claims are **sufficient to overcome the objections to the claims** as set forth in the previous office action.

4. Applicant's amendments to the claims are **NOT sufficient to overcome all the 35 U.S.C. § 112, second paragraph, rejections** as set forth in the previous office action. Specifically, independent claims 1 and 15, and therefore dependent claims 2-14 and 16-20, have not overcome all the 35 U.S.C. § 112, second paragraph, rejections. Additionally, two new 35 U.S.C. § 112, second paragraph, rejections have been necessitated by amendment. Old and new grounds of rejection have been asserted below in the section titled 'Claim Rejections - 35 USC § 112.'

5. Applicant's amendments to the claims are **sufficient to overcome the 35 U.S.C. § 101 rejections** set forth in the previous office action.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 1-20 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, when describing the delivery planning sub-module, the phrase "based on input from other modules of said organization's business driven learning solution" renders the claim indefinite. Only one module, the delivery module, has been defined, and sub-modules are different from modules, so there aren't "other modules." Additionally, it is unclear what the "input" from these "other modules" is, as no output of any modules is mentioned. For purposes of examination, the phrase "based on input from other modules of said organization's business driven learning solution" has been removed.

Regarding claim 11, the phrase "e.g.," renders the claim indefinite because it is unclear whether the limitation following the phrase is part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 15, in the managing and preparing steps, the phrase "provided from other modules of said organization's business driven learning solution" is indefinite. Modules are mentioned in the preamble, but it is unclear if "other modules" is referring to these modules or another set of modules, what is meant by the term "modules" (software, hardware, documentation), and how they are providing business strategy and course content. For purposes of examination, both instances of the phrase "based on input from other modules of said

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organization's business driven learning solution" have been removed and the use of "modules" in the preamble has been ignored.

Response to Arguments

8. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues regarding independent claim 1 that (1) "Bull fails to disclose the forecasting and scheduling of training activities based on business information," and that (2) dependent claims 2-4, 6-14, and 20 are allowable as a result. Additionally, Applicant generally asserts that (3) the examination guidelines for determining obviousness under 35 U.S.C. 103 in view of the Supreme Court decision in *KSR International Co. v. Teleflex Inc.* have not been followed. Applicant also argues regarding independent claim 15 that (4) "Bull does not disclose 'collecting training user data to effectively forecast demand of an organization's learning resources,'" and that (5) dependent claims 16-19 are allowable as a result.

Regarding argument (1), Examiner respectfully disagrees. Examiner cites col. 3, lines 26-32, which state, "this particular embodiment assigns the worker to take a selected class in response to user input **while tracking an available class the worker might attend**. A 'selected class' is a class that the **worker must or should take under a given set of criteria**. An 'available class' is one that will be given **based on individual worker's training needs**." "Tracking an available class the worker might attend" is forecasting training activities and "set of criteria" and "individual worker's training needs" constitutes the business information on which the forecasting is based. Examiner additionally cites col. 3, lines 36-38, which state, "Upon receiving the worker's reply to the query, the application then **enrolls the worker in the available class responsive to that reply**." Enrolling the worker in the available class is scheduling training activities, and the reply to the query is the business information on which the scheduling is based.

Regarding argument (2), Examiner respectfully disagrees. Dependent claims 2-4, 6-14, and 20 are not allowable as per the response to argument (1) above.

Regarding argument (3), Examiner respectfully disagrees. All claims rejected under 35 U.S.C. 103 were rejected using KSR Rationale (A), combining prior art elements according to known methods to yield predictable result. This is made clear by the phrase "All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods...Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention," which is used in all 35 U.S.C. 103 rejections except for in claims 10, 16, and 17. Claims 10, 16, and 17 had similar but not identical language. Even so, Examiner has added language to all 35 U.S.C. 103 rejections to further make clear which rationale has been applied.

Regarding argument (4), Examiner respectfully disagrees. Examiner cites col. 3, lines 26-32, which state, "this particular embodiment assigns the worker to take a selected class in response to user input **while tracking an available class the worker might attend**. A 'selected class' is a class that the **worker must or should take under a given set of criteria**. An 'available class' is one that will be given **based on individual worker's training needs**." "Tracking an available class the worker might attend" is effectively forecasting demand of an organization's learning resources and "set of criteria" and "individual worker's training needs" constitutes training user data on which the forecasting is based.

Regarding argument (5), Examiner respectfully disagrees. Dependent claims 16-19 are not allowable as per the response to argument (4) above.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. **Claims 1-4 and 8 are rejected under 35 U.S.C. 102(a)** as being anticipated by Bull (US 6,409,514 B1).

Regarding claim 1, Bull teaches:

A computer-based system for producing a business driven learning solution (col. 1, lines 66-67), the system comprising:

a processor (Fig. 4);

computer-readable medium encoding instructions for automated production of a business driven learning solution for training the members of an organization, said business driven learning solution comprising modules encoding interrelated and interdependent business processes, including a delivery module for a business driven learning solution for managing the learning and training needs of an organization (col. 1, lines 66-67, Fig. 4) in a manner that is responsive to dynamic business needs, said delivery module comprising sub-modules encoding interrelated and interdependent business processes, including:

a delivery planning sub-module containing related business processes to manage, coordinate, forecast and schedule training activities (col. 3, lines 24-32, 36-38, 53-57);

a delivery execution sub-module containing related business processes to prepare (col. 3, lines 53-57) and execute (col. 4, lines 14-18. Electronically storing the worker's performance implies the training activities have been executed) said training activities; and

a delivery wrap-up sub-module containing related business processes for performing follow-up services after said training activities are delivered (col. 4, lines 16-18).

Regarding claim 2, Bull teaches a delivery operations sub-module containing related business processes to facilitate administrative services across the entire delivery module (col. 3, lines 24-26, 53-57, col. 4, lines 39-41).

Regarding claim 3, Bull teaches wherein said business processes in said delivery operations sub-module are comprised of processes selected from the group consisting of process improvement, financial management, resource management (col. 3, lines 53-57), facilities management, marketing, performance analysis (col. 4, lines 14-18), delivery support plan maintenance, instructor certification, vendor/supplier management, remote learning services, proposals/projects, translation and localization, archive courses, and business partners programs.

Regarding claim 4, Bull teaches wherein said business processes in said delivery planning sub-module are comprised of a plan for new solutions process (col. 4, lines 39-41, col. 6, lines 34-36), a forecasting demand (sessions) process (col. 3, lines 26-29), a scheduling process (col. 3, lines 53-57), a registration and confirmation process (Abstract, lines 6-10), a development of a delivery support plan process (col. 3, lines 26-34), a knowledge transfer process (col. 3, lines 30-32, col. 7, lines 34-36), and an operational review process (col. 8, lines 7-9).

Regarding claim 8, Bull teaches wherein training user data is capture to effectively forecast present or anticipated demand of an organization's learning resources (col. 3, lines 26-29).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claim 5 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Simmons (WO 98/03953 A2), further in view of Sandoval et al. (US 2003/0004766 A1).

Bull teaches a session breakdown process (col. 4, lines 13-22).

Bull does not teach a field trial process, a train a trainer process, a prepare to teach process, a sending out of session materials process, a delivery of sessions process (e.g., instructor led training, virtual instructor led training, and Web-based), and a session set-up process.

Simmons teaches a sending out of session materials process (p. 2, lines 6-7) a delivery of sessions process (e.g., instructor lead training, virtual instructor lead training, and Web-based) (p. 3, lines 1-10), and a session set-up process (p. 6, lines 15-18).

Sandoval teaches a field trial process (par. 124, lines 1-8).

A train the trainer process and a prepare to teach process are old and well-known, as the trainer must be knowledgeable in the subject matter to be able to teach it.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bull, Simmons, and Sandoval do not teach away from or contradict one another, but rather, teach separate processes. The claimed invention is merely a combination of old and well-

known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of comprehensive training management.

13. **Claims 6 and 14 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Stoneking et al. (US 2003/0050814 A1).

Regarding claim 6, Bull teaches a close sessions process (col. 4, lines 16-17).

Bull does not teach a quality control process.

Stoneking teaches a quality control process (par. 89, lines 1-7).

The inventions of Bull and Stoneking pertain to improving business management. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stoneking does not teach away from or contradict Bull, but rather, teaches a process that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of comprehensive training management.

Regarding claim 14, Bull teaches learning delivery (Abstract, lines 1-2).

Bull does not teach wherein learning delivery services are implemented by an independent business entity that is acting according to a service level agreement with an organization, said service level agreement establishing requisite quality and effectiveness levels of said learning delivery services as measured by one or more pre-selected performance metrics.

Stoneking teaches wherein learning delivery services are implemented by an independent business entity that is acting according to a service level agreement (par. 89, lines 1-7) with an organization in need of outsourcing (par. 91, lines 1-6), said service level agreement establishing requisite quality and effectiveness levels of said learning delivery services as measured by one or more pre-selected performance metrics (par. 89, lines 1-7).

The inventions of Bull and Stoneking pertain to improving business management. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stoneking does not teach away from or contradict Bull, but rather, teaches a process that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the many known advantages of outsourcing.

14. **Claims 7, 13, 15 and 19 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Simmons (WO 98/03953 A2).

Regarding claim 7, Bull does not teach how the execution of training activities is accomplished.

Simmons teaches executing training activities by instructor led training (p. 1, lines 13-17), virtual classroom training (p. 1, lines 13-17), self-paced training delivered via computer (p. 2, lines 6-11), or a blend of e-learning and live instructor led training (p. 3, lines 1-10).

The inventions of Bull and Simmons pertain to managing and carrying out training activities. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Simmons does not teach away from or contradict Bull, but rather, teaches a step that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Bull with the teachings of Simmons, motivated by the advantages of flexibility and choice provided by offering multiple methods for implementing the training activities.

Regarding claim 13, Bull does not teach wherein said delivery module accepts course content materials from a development module via a network of electronic learning platforms.

Simmons teaches wherein said module accepts course content materials from a development module via a network of electronic learning platforms (p. 7, lines 2-5, Figures 1(a)-(d)).

The inventions of Bull and Simmons pertain to managing and carrying out training activities. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Simmons does not teach away from or contradict Bull, but rather, teaches a step that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings

of Bull with the teachings of Simmons, motivated by the advantages of flexibility and choice provided by selecting course content from a development module.

Regarding claim 15, Bull teaches:

A method for delivering to members of an organization a business driven learning solution for training the members of said organization, said business driven learning solution comprising modules of learning services that are responsive to said organization's dynamic business needs (col. 3, lines 25-30, 55-57, and col. 4, lines 16-18), said method comprising the steps of:

managing said organization's training delivery based on business strategy (col. 3, lines 25-30);

collecting training user data to effectively forecast demand of said organization's learning resources (col. 3, lines 26-32);

scheduling said organization's training delivery based on said training user data in order to allow said organization to optimize use of equipment, facilities, and human resources (col. 3, lines 55-57. "in order to..." is intended use, and Bull's invention is capable of that intended use);

executing said organization's training activities (col. 4, lines 16-18. Electronically storing the worker's performance implies the training activities have been executed); and

performing follow-up services after said organization's training activities are delivered (col. 4, lines 16-18).

Bull does not teach preparing said organization's training activities based on course content.

Simmons teaches preparing said organization's training activities based on course content (p. 7, lines 2-5. Also, see figures 1a and 2).

The inventions of Bull and Simmons pertain to managing and carrying out training activities. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Simmons does not teach away from or contradict Bull, but rather, teaches a step that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Bull with the teachings of Simmons, motivated by having training activities consistent with the course content.

Regarding claim 19, Bull does not teach how the execution of training activities is accomplished.

Simmons teaches executing training activities by instructor led training (p. 1, lines 13-17), virtual classroom training (p. 1, lines 13-17), self-paced training delivered via computer (p. 2, lines 6-11), or a blend of e-learning and live instructor led training (p. 3, lines 1-10).

The inventions of Bull and Simmons pertain to managing and carrying out training activities. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Simmons does not teach away from or contradict Bull, but rather, teaches a step that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in

the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Bull with the teachings of Simmons, motivated by the advantages of flexibility and choice provided by offering multiple methods for implementing the training activities.

15. **Claims 9 and 16 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Simmons (WO 98/03953 A2), further in view of Hollingsworth (US 6,157,808).

Regarding claim 9, Bull teaches wherein said training user data is selected from the group consisting of student demand (col. 3, lines 26-30).

Bull does not teach wherein said training user data is selected from course content, learning media type, instructors, facilities, and equipment use.

Simmons teaches wherein said training user data is selected from course content and learning media type (p. 7, lines 2-5, claim 4, and also see Figures 1a and 2).

Hollingsworth teaches wherein said training user data is selected from facilities and equipment use (col. 7, lines 65-67 and col. 8, lines 1-3. The venue of a computer room takes into consideration that certain equipment such as computers is sometimes necessary for training).

It is old and well-known to collect instructors. Additionally, though no reference specifically teaches that instructors are collected, Simmons uses instructors in its training delivery, making it inherent that instructors were collected.

One set of data does not affect the collection of other sets of data, and so all the claimed elements, which were known in the prior art, could have been combined by one skilled in the art with no change in their respective functions. The claimed invention is merely a combination of

old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Bull with the teachings of Simmons, and Hollingsworth, motivated by the advantage of collecting all necessary data to effectively plan training activities.

Regarding claim 16, Bull teaches the collection of training user data including student demand (col. 3, lines 26-30).

Bull does not teach collection of course content, learning media type, instructors, facilities, and equipment use.

Simmons teaches the collection of training user data including course content and learning media type (p. 7, lines 2-5, claim 4, and also see Figures 1a and 2).

Hollingsworth teaches collection of training user data including facilities and equipment use (col. 7, lines 65-67 and col. 8, lines 1-3. The venue of a computer room takes into consideration that certain equipment such as computers is sometimes necessary for training).

It is old and well-known to collect instructors. Additionally, though no reference specifically teaches that instructors are collected, Simmons uses instructors in its training delivery, making it inherent that instructors were collected.

Collecting one set of data does not affect the collection of other sets of data, and so all the claimed elements, which were known in the prior art, could have been combined by one skilled in the art with no change in their respective functions. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded

predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Bull with the teachings of Simmons, and Hollingsworth, motivated by the advantage of collecting all necessary data to effectively plan training activities.

16. **Claim 10 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Kogut-O'Connell et al. (US 6,658,427 B2), McCormick et al. (US 7,031,651 B2), Hollingsworth (US 6,157,808), and Simmons (WO 98/03953 A2).

Bull does not teach the use of a global scheduling tool to manage information including instructor names, course locations, method of course delivery, and materials and equipment used to teach the course.

Kogut-O'Connell teaches use of a global scheduling tool to manage information (col. 3, lines 55-59 and col. 5, lines 1-7) including materials and equipment used to teach the course (col. 5, lines 61-62).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Furthermore, there would have been a high expectation of success, given the ease with which electronic systems can be made global. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kogut-O'Connell's

teaching of a global scheduling tool with Bull's electronic management training scheduling tool motivated by the need to schedule training for a global organization.

Neither Bull nor Kogut-O'Connell teaches information including instructor names, course locations, and method of course delivery.

McCormick teaches information including instructor names (col. 7, lines 18).

Hollingsworth teaches information including course locations (col. 7, lines 67).

Simmons teaches information including method of course delivery (p. 15, lines 1-7).

Collecting one set of information does not affect the collection of other sets of information, and so all the claimed elements, which were known in the prior art, could have been combined using known methods by one skilled in the art with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Furthermore, there would have been a high expectation of success, given the ease with which information can be integrated. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine McCormick, Hollingsworth, and Simmons' teaching of the collection of various information with Bull and Kogut-O'Connell's training scheduling tools motivated by the advantage of collecting all necessary data to effectively plan training.

17. **Claims 11 and 20 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Stoneking et al. (US 2003/0050814 A1), further in view of

Kirkpatrick (*Evaluating Training Programs: The Four Levels*. San Francisco, CA: Berrett Koehler).

Regarding claim 11, neither Bull nor Stoneking teaches wherein said session breakdown process includes measuring predefined metrics selected from the group consisting of learner behavior modification information assessments (e.g. Kirkpatrick's Levels 1, 2, and 3 assessments).

Stoneking teaches wherein predefined metrics are measured and reported (par. 89, lines 1-7).

Kirkpatrick teaches Kirkpatrick's Levels 1, 2, and 3 assessments (p. 2, Contents #3-6, p. 3, lines 1-2).

The inventions of Stoneking and Bull pertain to evaluating. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stoneking and Kirkpatrick do not teach away from or contradict Bull, but rather, teach a step that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of using an established evaluation system as the predefined metric for the quality control process.

Regarding claim 20, neither Bull nor Stoneking teaches wherein said close sessions process includes recording predefined metrics selected from the group consisting of Kirkpatrick's Levels 1, 2, and 3 assessments.

Stoneking teaches wherein predefined metrics are measured and reported (par. 89, lines 1-7).

Kirkpatrick teaches Kirkpatrick's Levels 1, 2, and 3 assessments (p. 2, Contents #3-6, p. 3, lines 1-2).

The inventions of Stoneking and Bull pertain to evaluating. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stoneking and Kirkpatrick do not teach away from or contradict Bull, but rather, teach a step that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of using an established evaluation system as the predefined metric for the quality control process.

18. **Claim 12 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Simmons (WO 98/03953 A2) and Sandoval et al. (US 2003/0004766 A1), further in view of Holland (*Professional Development in Technology: Catalyst for School Reform*. Association for the Advancement of Computing in Education. Journal of Technology and Teacher Education. June 22, 2001. Gale Group).

Neither Bull nor Simmons teaches trainers receiving instruction and field test, subject matter knowledge, presentation competency, and effective use of delivery mechanisms prior to delivering training.

Sandoval teaches instruction and field test (par. 124, lines 1-8).

It is old and well-known for trainer to receive instruction in subject matter knowledge, as you cannot teach something you do not know.

Holland teaches trainers receiving instruction in presentation competency (p. 5, par. 5) and instruction in effective use of delivery mechanisms prior to delivering training (p. 5, par. 5).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Holland does not teach away from or contradict Bull, Simmons, and Sandoval, but rather, teaches a step that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Holland with the teachings of Bull, Simmons, and Sandoval motivated by the desire to improve and ensure the quality of the training activities.

19. **Claim 17 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Simmons (WO 98/03953 A2), further in view of Kogut-O'Connell et al. (US 6,658,427 B2).

Bull teaches scheduling with an electronic (col. 3, lines 13-23) scheduling tool (col. 3, lines 55-57), but neither Bull nor Simmons teaches using a global scheduling tool.

Kogut-O'Connell teaches a method for providing multi-user electronic calendaring and scheduling for online training further comprising the use of a global scheduling tool (col. 3, lines 55-59 and col. 5, lines 1-7).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Furthermore, there would have been a high expectation of success, given the ease with which electronic systems can be made global. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kogut-O'Connell's teaching of a global scheduling tool with Bull's electronic management training scheduling tool motivated by the need to schedule training for a global organization (Simmons teaches undergoing training for a geographically dispersed group of students (p. 1, lines 12-13)).

20. **Claim 18 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Simmons (WO 98/03953 A2), further in view of Holland (*Professional Development in Technology: Catalyst for School Reform*. Association for the Advancement of Computing in Education. Journal of Technology and Teacher Education. June 22, 2001. Gale Group).

Neither Bull nor Simmons teaches providing trainers with instruction in training subject matter, instruction in presentation delivery, and instruction in effective use of delivery mediums.

It is old and well-known to provide trainers with instruction in training subject matter, as you cannot teach something you do not know.

Holland teaches providing trainers with instruction in presentation delivery (p. 5, par. 5) and instruction in effective use of delivery mediums (p. 5, par. 5).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Holland does not teach away from or contradict Bull and Simmons, but rather, teaches a step that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Holland with the teachings of Bull and Simmons, motivated by the desire to improve and ensure the quality of the training activities.

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Thur, 9:30AM - 8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 8, 2008

/J.C./
Examiner, Art Unit 3623
/Jonathan G. Sterrett/
Primary Examiner, Art Unit 3623